

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Keith L. Gilcreast,	:	Case No. 5:06CV0556
	:	
Petitioner	:	Judge Dan Polster
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Ed Voohries, Warden,	:	MEMORANDUM OPINION
	:	AND ORDER
Respondent	:	

On August 9, 2006 this Court, by marginal endorsement, granted petitioner a sixty day extension within which to file a traverse in this action. In doing so this Court did not realize that on July 31st respondent had filed a motion to dismiss this action as time barred by the one-year statute of limitations provided under 28 U.S.C. §2244(d).

If that motion is well founded, as on its face it appears to be, no traverse would be called for, as no return of writ will have been filed.

This Court, therefore, vacates that extension, and in its place will grant petitioner leave to respond to the motion to dismiss no later than September 15, 2006.

IT IS SO ORDERED.


DAVID S. PERELMAN
United States Magistrate Judge

DATE: August 22, 2006